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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO. 2:19-CR-0231-WBS

12 Plaintiff,

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

13 v.
14 JOSE ENCARNACION MAYO RODRIGUEZ,
MARIA LUISA ESCAMILLA-LOPEZ,
15 JUAN CHAVARRIA,
JUAN RAMON LOPEZ,
16 CHARLES JAMES BILLINGSLEY, JR.,

DATE: February 5, 2024

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

17 Defendants.
18

19 STIPULATION

20 1. By previous order, this matter was set for status on February 5, 2024.

21 2. By this stipulation, defendants now move to continue the status conference until April 8,
22 2024, at 9:00 a.m., and to exclude time between February 5, 2024, and April 8, 2024, under Local Codes
23 T4, C, and R.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes over 4400 pages of documents, including investigative reports, photographs, cell phone
27 records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to
8 address the pandemic. These directives hampered the ability of the defense to conduct
9 investigation as to potential defenses in this matter. Additional time is therefore required for
10 defense investigation into matters charged in the Indictment.

11 d) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County
12 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria
13 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.
14 See ECF No. 228 (Pretrial Services Violation Petition).

15 e) Counsel for defendants desire additional time to conduct factual investigation and
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
17 consult with their clients, and to otherwise prepare for trial.

18 f) In addition, counsel for defendant Billingsley, Johnny Griffin, III, is currently
19 engaged in a jury trial that began on January 8, 2024.

20 g) Counsel for defendants believe that failure to grant the above-requested
21 continuance would deny them the reasonable time necessary for effective preparation, taking into
22 account the exercise of due diligence.

23 h) The government does not object to the continuance.

24 i) Based on the above-stated findings, the ends of justice served by continuing the
25 case as requested outweigh the interest of the public and the defendant in a trial within the
26 original date prescribed by the Speedy Trial Act.

27 j) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
28 et seq., within which trial must commence, the time period of February 5, 2024 to April 8, 2024,

1 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
2 because it results from a continuance granted by the Court at defendant's request on the basis of
3 the Court's finding that the ends of justice served by taking such action outweigh the best interest
4 of the public and the defendant in a speedy trial. In addition, the time period of June 21, 2022,
5 through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local Code
6 C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from
7 defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-*
8 *Espindola*, 632 F.2d 107 (9th Cir. 1980).

9 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
10 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
11 must commence.

12 IT IS SO STIPULATED.

13 Dated: January 31, 2024

PHILLIP A. TALBERT
United States Attorney

14
15 /s/ DAVID W. SPENCER _____
16 DAVID W. SPENCER
17 Assistant United States Attorney

18
19 Dated: January 31, 2024

/s/ Todd D. Leras _____
TODD D. LERAS
Law Office of Todd D. Leras
Attorney for defendant Jose Encarnacion
Mayo Rodriguez

20
21 Dated: January 31, 2024

/s/ Dina Lee Santos _____
DINA LEE SANTOS
Law Offices of Dina L. Santos
Attorney for defendant Maria Luisa Escamilla-
Lopez

22
23 Dated: January 31, 2024

/s/ Clemente Jimenez _____
CLEMENTE JIMENEZ
Law Office of Clemente M. Jimenez
Attorney for defendant Juan Chavarria

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2
3 Dated: January 31, 2024

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant Juan Ramon Lopez

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5
6 Dated: January 31, 2024

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant Charles J. Billingsley, Jr.

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11 **FINDINGS AND ORDER**

12 IT IS SO FOUND AND ORDERED.

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14 Dated: January 31, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE